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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

re Application of: Uli

Ulrich KLAR et al.

Serial No.: 09/913,163

Group Art Unit: 1625

Filed: December 7, 2001

Examiner: Binta M. Robinson

For:

EPOTHILON DERIVATIVES, METHOD FOR THE PRODUCTION AND THE USE

THEREOF AS PHARMACEUTICALS

## INFORMATION DISCLOSURE STATEMENT UNDER 37 CFR §§ 1.56, 1.97 and 1.98

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

This information disclosure statement is made in accordance with 37 C.F.R. §§ 1.56, 1.97 and 1.98 as follows:

## **Timing and Fees**

	Under 37 C.F.R. § 1.97(b), no fee or statement is required for filing this inform disclosure statement is filed:								
			within three months of the filing date of a national application other than a CPA under § 1.53(d);						
		within three months of the actual filing date of the national phase of a PC application; OR							
		before RCE).	the mailing of a first substantive office action (including after filing of an						
$\boxtimes$	Under 37 C.F.R. § 1.97(c), this information disclosure statement is filed after the p specified in 37 C.F.R. § 1.97(b), but before the mailing date of:								
		$\boxtimes$	a final rejection under 37 C.F.R. 1.113;						
			termination of prosecution, e.g. Ex Parte Quayle, M.P.E.P § 609(B)(2); OR						
			a notice of allowance under 37 C.F.R. § 1.311; and						

	is acc	is accompanied by:					
	$\boxtimes$	the statement as specified in 37 C.F.R. § 1.97(e) set out below; OR					
		a check covering the fee of \$ under 37 C.F.R. § 1.17(p).					
		F.R. § 1.97(d), this information disclosure statement is filed after the mailing ollowing actions which have not been withdrawn:					
		a final action under 37 C.F.R. § 1.113;					
		termination of prosecution, e.g. Ex Parte Quayle, M.P.E.P § 609(B)(2); OR					
		a notice of allowance under 37 C.F.R. § 1.311;					
AN	D is filed	on or before payment of the issue fee; AND is accompanied by:					
		the statement as specified in 37 C.F.R. § 1.97(e) as set forth below, and the fee of \$180.00 under 37 C.F.R. § 1.17(p).					
Statements	Under 37	7 C.F.R. 1.97(e)					
		Each item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application having a mailing date not more than three months prior to the filing date of this information disclosure statement; or					
		No item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and to the knowledge of the undersigned attorney after making reasonable inquiry, no item of information contained in this information disclosure statement was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing date of the information disclosure statement.					
Cited Mater	<u>ials</u>						
	ances	s of materials listed but not attached were cited in benefit (35 U.S.C. § 120) tor application Serial No, on Form 892 by the Examiner and/or Form by the applicant; see 37 C.F.R. § 1.98(d).					
		s of materials listed but not attached were cited in an international search dated					
$\boxtimes$	Copie	s of the materials listed are attached (except for the foregoing).					

Non-l	English	<u>Langua</u>	ge References					
		An English-language search report or equivalent paper from a foreign patent office is provided indicating the relevance of the cited reference(s).						
		A foreign-language search report from a foreign patent office is provided, as pertinent parts are translated substantively below:						
		X = Y =	document of particular relevance when it is taken alone document of particular relevance when it is combined with another such document					
		A =	document defining the general state of the art					
		O =	non-written disclosure					
		P = T =	intercalated document					
		1 –	document cited to understand the theory or principle underlying the invention					
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	ent of Fe	es Due	(If Any):					
	A chec	ck for \$	covering the fee identified above is attached.					
	Please	ease charge to Deposit Account No. 13-3402 \$ for the fee identified above.						

 $\boxtimes$ The Commissioner is hereby authorized to charge or credit any overpayment to Deposit Account #13-3402, two copies of this paper are attached for this purpose.

Respectfully submitted,

Csaba Henter, Reg. No. 50,908 Attorney/Agent for Applicants

MILLEN, WHITE, ZELANO & BRANIGAN, P.C. Arlington Courthouse Plaza 1 2200 Clarendon Blvd. Suite 1400 Arlington, Virginia 22201 Telephone: (703) 243-6333

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Attorney Docket No.: SCH-1814

Date: November 3, 2004

CH:pdr

Approved for use through 10/31/2002. OMB 0651-0031\*

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## INFORMATION DISCLOSURE STATEMENT BY APPLICANT F G

(use as many sheets as necessary)

E Sheet of 2

pplication Number	Complete if Known	
pplication Number	09/913,163	
Filing Date	December 7, 2001	- "
First Named Inventor	Ulrich Klar	
Group Art Unit	1625	
Examiner Name	Binta M. Robinson	
Attorney Docket Number	SCH-1814	

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Examiner Initials *	Cite No.1	Number	Kind Code <sup>2</sup>		Patentee or Applicant ited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	
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<sup>1</sup> Unique citation designation number. 2 See attached Kinds of U.S. Patent Documents. 3 Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). 4 For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. 5 Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. 

Applicant is to place a check mark if the English language Translation is attached.

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Substitute	e for form 1449A/PTC	HAL	Complete if Known			
INITO	DRAKTION	DICCL OCUDE	Application Number	09/913,163		
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SIA	LEMENT B	Y APPLICANT	First Named Inventor	Ulrich Klar		
			Group Art Unit	1625		
	(use as many she	ets as necessary)	Examiner Name	Binta M. Robinson		
Sheet	2	of 2	Attorney Docket Number	SCH-1814		

		OTHER PRIOR ART NON PATENT LITERATURE DOCUMENTS	
Examiner Initials *	Cite No.1	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T 2
		Ca 127:268036, "Water soluble paclitaxel prodrugs", Li et al., U.S. Patent 6730699.	
		Ca 140:176348, "Transposon-based transformation system encoding a transposase and uses for mutagenesis", Julien et al., WO 2004015088.	
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